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COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE980812

**Ex Parte: In the matter of establishing interim
rules for retail access pilot programs**

HEARING EXAMINER'S RULING

April 16, 1999

On April 16, 1999, Appalachian Power Company d/b/a American Electric Power; The Potomac Edison Company d/b/a Allegheny Power; Columbia Energy Services Corporation; Columbia Gas of Virginia, Inc.; CNG Retail Services Corporation; Delmarva Power & Light; Enron Energy Services, Inc.; the Virginia Electric Cooperatives; Virginia Electric and Power Company; Virginia Natural Gas, Inc.; Washington Gas Energy Services, Inc.; and Washington Gas Light Company (collectively "the Companies") filed a joint motion for a continuance of a portion of the hearing on the proposed interim rules for retail access pilot programs scheduled to begin on April 19, 1999. Specifically the Companies ask to: (1) proceed with the hearing on April 19, 1999, with regard to appearances of public witnesses and all filed testimony and comments, other than those filed by the Staff; (2) defer consideration of the Staff Comments Regarding Task Force Report ("Staff Comments") filed on April 9, 1999; (3) allow all parties in this proceeding to respond to the Staff Comments by Friday, April 30, 1999, through formal comments or pre-filed testimony; and (4) continue this hearing into early May to consider the Staff Comments and all filed responses thereto. In support of their motion, the Companies assert that they need more time to review and respond to Staff's prefiled testimony and comments which propose a substantial number of substantive changes to the proposed rules which were unanticipated. Moreover, the Companies note they have had those Staff comments for less than one week.

Upon consideration of the motion, I find it is reasonable to grant a short continuance. Staff testimony and comments are detailed and the development of the record in this case will benefit from affording the parties additional time to consider and respond to Staff. I do not, however, find it reasonable to separate Staff's testimony and comments from those filed by the other participants. While the April 19th hearing should be convened for the purpose of hearing from public witnesses, the hearing will otherwise be continued. All prefiled testimony and oral arguments will be received when the hearing is reconvened. Accordingly,

IT IS DIRECTED:

- 1) That the hearing scheduled for April 19, 1999, will be retained for the sole purpose of hearing the testimony of public witnesses;
- 2) That rebuttal testimony and/or comments may be filed on or before April 26, 1999; and
- 3) That a public hearing to receive all prefiled testimony and the oral argument of the participants shall be held at 10:00 a.m. on May 3, 1999, in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia.

Deborah V. Ellenberg
Chief Hearing Examiner